

Glenda Wiles

From: George Corn
Sent: Thursday, January 08, 2009 4:06 PM
To: Rod Daniel; Chris Hoffman
Cc: Commissioners Department
Subject: FW: Ray Bean
Attachments: order.pdf

From: Turner, Darrick [mailto:DTurner2@mt.gov]
Sent: Thursday, January 08, 2009 3:16 PM
To: George Corn
Cc: Stankey, Darrell; Gerry Bates; Rod Daniel; 'mattandjules@msn.com'
Subject: Ray Bean

Mr. Corn;

Thank you for taking the time to listen to my concerns regarding the dispersing of the junk vehicles and component parts from 528 North Burnt Fork Road, Stevensville. As we had discussed, Ray Bean is currently removing vehicles from the property. I viewed this as a potential problem for Ravalli County as it has been witnessed that Ray Bean has placed vehicles in Stevensville and in Corvallis, and that the issue may see more efficient resolution through county involvement. I would suspect that in order to prevent this diffusion of waste throughout the county, your involvement may be effective.

These actions by Mr Bean, if accurate, may constitute violations of the Motor Vehicle Recycling and Disposal Act and possibly Solid Waste Management Act Violations.

At the base of this e-mail you will find the MVRDA information for your reference, as you had requested in our telephone conversation earlier today.

I made contact with Mr. Bean earlier today. He stated that the vehicles are currently being stored at 2006 Eastside Highway in Corvallis, and they will be move to 309 Honey House Lane, east of Corvallis. He stated that he intended to operate under a vehicle dealer license at the Honey House Lane address.

Mr. Bean's phone number is 406.239.8835. I informed him to contact Rod Daniel to arrange for an inspection within the next several days to hopefully ensure compliance.

The following people may have specific information to assist you in your efforts:

- John Barnes, Sheriffs Office, Badge #1321- He has been very helpful in obtaining information. His duty number is 406.531.7021, if needed
- Rod Daniel, Ravalli County JV Program 406.375.6565
- Christopher Smith, Employed by Mr. Bean to remove vehicles 406.880.2397

From the information received thus far, it appears to be something that can be handled by the

1/9/2009

Ravalli County JV program and/or Sheriff's Department. Upon completion of the vehicle removal at 528 North Burnt Fork Road, the Enforcement Division close the complaint (CVID-12522) (assuming we reach that point).

In the event that you or your JV program need more information or assistance from our Division, please do not hesitate to contact us. We will gladly assist in your efforts.

Sincerely,

Darrick Turner
Environmental Enforcement Specialist
Enforcement Division
State of Montana - Dept. of Environmental Quality
406.444.1504 (ph)
406.444.1923 (fax)
dturner2@mt.gov

75-10-502. Possession of junk vehicles as prima facie evidence of motor vehicle wrecking facility. Possession at a single location of four or more junk vehicles of a type required to be licensed is prima facie evidence that the possessor is operating a motor vehicle wrecking facility.

75-10-505. Shielding and removal of junk vehicles generally. Notwithstanding the provisions of this part, any person possessing one or more junk vehicles, regardless of ownership, shall shield the vehicles from public view or remove the vehicles to a licensed motor vehicle wrecking facility or to a licensed motor vehicle graveyard after the vehicles are released from the owner.

75-10-542. Penalties. (1) A person who purposely or knowingly violates this part, except 75-10-520, is guilty of a misdemeanor and upon conviction shall be fined an amount not to exceed \$250, be imprisoned in the county jail for a term not to exceed 30 days, or both.

(2) A person who violates a provision of this part, except 75-10-520, a rule of the department, or an order issued as provided in this part is subject to an administrative penalty of not more than \$50 or a civil penalty of not more than \$250. Each day upon which a violation of this part, a rule, or an order occurs is a separate violation.

75-10-501. Definitions. Unless the context requires otherwise, in this part, the following definitions apply:

- (1) "Board" means the board of environmental review provided for in 2-15-3502.
- (2) "Component part" means any identifiable part of a discarded, ruined, wrecked, or dismantled motor vehicle, including but not limited to fenders, doors, hoods, engine blocks, motor parts, transmissions, frames, axles, wheels, tires, and passenger compartment fixtures.
- (3) "Department" means the department of environmental quality provided for in 2-15-3501.
- (4) (a) "Junk vehicle" means a motor vehicle, including component parts:
 - (i) that is discarded, ruined, wrecked, or dismantled;
 - (ii) that, except as provided in subsection (4)(b), is not lawfully and validly licensed; and
 - (iii) that remains inoperative or incapable of being driven.
- (b) If a vehicle is permanently registered under 61-3-562 and meets the criteria for a junk vehicle under subsection (4)(a), the vehicle is a junk vehicle.
- (5) "Motor vehicle graveyard" means a collection point established by a county for junk motor vehicles prior to their disposal.
- (6) "Motor vehicle wrecking facility" means:
 - (a) a facility buying, selling, or dealing in four or more vehicles per year, of a type required to be licensed, for the purpose of wrecking, dismantling, disassembling, or substantially changing the

form of the motor vehicle; or

(b) a facility that buys or sells component parts, in whole or in part, and deals in secondhand motor vehicle parts. A facility that buys or sells component parts of a motor vehicle, in whole or in part, is a motor vehicle wrecking facility whether or not the buying or selling price is based upon weight or any other type of classification. The term does not include a garage where wrecked or disabled motor vehicles are temporarily stored for a reasonable period of time for inspection, repairs, or subsequent removal to a junkyard.

(7) "Person" means any individual, firm, partnership, company, association, corporation, city, town, local governmental entity, or any other governmental or private entity, whether organized for profit or not.

(8) "Public view" means any point 6 feet above the surface of the center of a public road from which junk vehicles can be seen.

(9) "Shielding" means the construction or use of fencing or manmade or natural barriers to conceal junk vehicles from public view.